

REMARKS

Claims 1, 2, 4-6, 9-12, 14-21, 23, and 26-39 were pending in the above-identified application. In response to the September 30, 2002 Office Action, Applicants elected Group I claims 1-28 pursuant to a restriction requirement required by the Examiner. Accordingly, Group II-IV claims 29-39 have been withdrawn from prosecution in the present application without relinquishing any right to further prosecute the subject matter of any and all non-elected claims in another application.

With the July 15, 2003 Amendment, Applicants have cancelled Group I claims 1-2, 4-6, and 9-12 without admission and without prejudice, amended Group I claims 15, 16, 19-21, 23, 26-28, and added claims 41-64. In the Office Action mailed September 11, 2003, the Examiner withdrew from consideration claims 41-64 as being directed to a non-elected invention. Applicants respectfully traverse the Examiners withdrawal of claims 41-46 for the following reasons and request consideration of claims 41-46.

At paragraph 2 of the September 11, 2002 Office Action, the Examiner asserts that claims 41-64 are directed to an invention that is independent or distinct from the invention originally claimed and are separate inventions similar to those enumerated from the restriction requirement. Applicants respectfully disagree. Newly added claims 41-64 consist of two independent claims drawn toward an online trading system (claims 53 and 64) and two independent claims drawn toward an online trading method (claims 41 and 52). Claim 53 is a generic system claim of the previously elected Group I claim 15 and claim 64 is a species of newly added claim 53, as explained below. Accordingly, the application as amended includes one generic claim (claim 53) and two species claims (claims 15 and 64), which are properly claimed in one application. See 37 CFR 1.141(a) (providing that "more than one

species of an invention ... may be specifically claimed in different claims in one national application provided that the application includes an allowable claim generic to all the claimed species and all the claims to species in excess of one ... include all the limitations of the generic claim.) See also MPEP 802 and 806.04. Newly added claims 41 and 52 include all the essential features of claims 53 and 64, respectively, and are therefore not independent or distinct. See MPEP 806.03. Moreover, insofar as all the features of newly added independent claims 41 and 53, and most if not all of the features of the claims 42-52 and 54-64 are included in the elected Group I claims as filed, and, even if independent or distinct, the search and examination of the entire application can be made without serious burden to the Examiner and thus are not properly restricted. See MPEP 803.

Claim 53 is drawn toward an online trading system that includes at least one host computer connected over a computer network to at least one client device. The host computer adopted to perform the method, which is claimed in process claim 41, which includes the steps of (1) receiving an order to trade at least one financial instrument from a client; (2) validating the order, wherein validating the order comprises determining whether the order satisfies at least one business rule designed to limit the client's risk in equities trading; and (3) blocking the order to trade the financial instrument if the order does not satisfy a business rule. Process claim 52 and system claim 64 further include (4) calculating a start of day balance and if the order is a first order of the day determining whether the order satisfies a business rule based on the start of day balance; (5) calculating an intraday balance if the order is an order placed subsequent to the first order of the day and determining whether the order satisfies a business rule based on the intraday balance; and (6) communicating an alert to a financial advisor notifying the financial advisor of the blocked order.

Elected Group I claim 15 as amended and claim 64 to include all of the features recited steps 1-3 of claim 53, which features also appear in the Group I claims as filed. Accordingly, newly added system claim 53 is a generic version of system claims 15 and 64, and claims 53 and 64, are therefore not independent or distinct from the invention claimed in the previously elected Group I claims, particularly claim 15 as amended. See MPEP 806.04(d) (which provides “[f]or the purpose of obtaining claims to more than one species in the same case, the generic claim cannot include limitation not present in each of the added species claims.”) Moreover, process claims 41 and 52 include all of the essential features of claims 53 (steps 1-3) and 64 (steps 1-6), respectively. Accordingly, claims 41 and 52 are therefore not independent or distinct from claims 53 and 64, see MPEP 806.03, and correspondingly not independent or distinct from the elected Group I claims.

The features of the newly added claims 41-64 also appear in elected Group I claims as filed. With respect to the features recited in claims 41 and 52, the features of step (1) are inherently included in the elected Group I claims insofar as the elected invention is directed toward online trading systems that provide clients with the ability to place trade orders therewith. Further, in certain embodiments, the systems validate or confirm trade orders that must necessarily be received by the systems. See claims 7, 8, 24, 25, and 28 as filed. The features of step 2 are expressly included in claims 7, 8, 24, and 25, which recite client order validation features that in certain embodiments includes applying a set of predetermined business rules. The features of step 3 are inherently included in claims 10 and 26 insofar as the business rules permit only cash and margin account trades, and therefore do not permit or block other types of trades.

In view of the foregoing, Applicants contend that the newly added claims 41-64 are not directed to an invention that is independent or distinct from the invention originally

claimed in the elected Group I claims 1-28 and respectfully request reinstatement of claims 41-64 in the present application for consideration.

Information Disclosure Statement

At paragraph 3 of the September 11, 2003 Office Action, the Examiner asserted that the other than the U.S. Patent Documents, the references cited with Information Disclosure Statement (IDS) filed March 29, 2000 have not been received. Applicants submit herewith an Information Disclosure Statement including therein the “OTHER DOCUMENTS” cited in the March 29, 2000 IDS.

Objection to Drawings

Applicants resubmit herewith a set of replacement figures of Figs.1-3, pursuant to the Revised Amendment Format, which include therein labels for the features depicted therein as required by the Examiner in the February 11, 2003 Office Action. Particularly, Fig. 1 depicts the following features which have been labeled accordingly: 10 Client Device, 12 Computer Network, 14 Broker Interface/Server, 16 Providing Server, 20 Connecting Server, 18 Mainframe, 24 Advisor Computer, 22 Quote Server, 26 Trading System, and 28 Exchange. Fig. 2 depicts the following features which have also been labeled accordingly: 30 Home, 31 Fund Demo, 32 Trading Demo, 33 Stock Trading Wizard, 34 Trade Center Stock View, 35 Trade Summary, 36 Trade Center Fund View, 37 Fund Trading Wizard, 38 Stock trade Recap, 39 Trade Center Stock Recap, 40 Edit/Cancel, 41 Trade Center Fund Recap, 42 Fund Trade Recap, and 44 Trade-Execution. A formal version of Fig. 3 is also submitted

herewith. Appropriately, reconsideration and withdrawal of the objection to the drawings are respectfully requested.

Respectfully submitted,

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